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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/326,405	06/04/1999	DAVE B. LUNDAHL	363-01	4135

7590

04/22/2002

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EXAMINER

TRAN A, PHI DIEU N

ART UNIT

PAPER NUMBER

3637

DATE MAILED: 04/22/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/326,405

Applicant(s)

LUNDAHL, DAVE B.

Examiner

Phi D A

Art Unit

3637

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 January 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 4-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 4-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Claim Rejections - 35 USC § 103

I. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

II. Claims 4-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dickerson et al in view of Panttila and Peterson III.

Dickerson et al (figure 2) shows a combination comprising a window frame having a fixed frame section (1-4), a movable sash section (8), the sash section including an edge which overlaps said fixed frame section, said fixed frame defining an opening of given dimension, fasteners (60) directly secured to the side edge of the sash and fastened the sash to the fixed frame at an inwardly extending portion of the fixed frame which is overlap by the sash, the fixed frame and the sash including complementary shaped edges, the fixed frame section having a hardware housing portion (inside of section 4, figure 3) and the strip is secured directly to said housing portion (top of figure 3) with said sash section overlaps said housing section, said sash being rectangular, the attachment of the sash to the fixed frame does not reduce the size of the opening. Dickerson et al (figure 7B) also discloses a screen mesh being an alternate embodiment, the screen mesh being attached to the frame between the sash (201) and the frame (2).

Dickerson et al does not disclose a rectangular screen mesh having a first fastener strip secured thereto and the first fastener being secured to a second fastener strip which is directly

Art Unit: 3637

secured to a fixed frame section in combination with the sash, the fastener strip being hook and loop fasteners.

Peterson III discloses hook and loop fastener strips attaching a fixed frame and a sash together for easy mounting.

Panttila discloses a window frame having a fixed frame section (32) having an edge thereof, the edge having a rectangular screen (17) and a sash (62) attaching thereto for protecting the window opening.

It would have been obvious to one having ordinary skill in the art to modify Dickerson et al to show a rectangular screen mesh having a first fastener strip secured thereto and the first fastener being secured to a second fastener strip which is directly secured to a fixed frame section in combination with the sash, the fastener strip being hook and loop fasteners because it is well-known expedient in the art to cover a window opening with both a rectangular screen mesh and a sash, and it would have been obvious to modify Dickerson et al to show hoop and loop fasteners attaching a screen mesh to the fixed frame because it would enable easy and fast mounting as taught by Peterson III.

III. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dickerson et al in view of Panttila and Peterson III and further in view of Jones et al.

Dickerson et al as modified by Panttila and Peterson III shows all the claimed limitations except for the window screen and the window opening being non-rectangular.

Jones et al (figures 1 and 7) shows rectangular and non-rectangular window openings with screen covering (figure 3).

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Dickerson et al's modified structure to show the window opening and the screen being non-rectangular because it is well-known expedient in the art to have window

Art Unit: 3637

openings being non-rectangular and screens being non-rectangular to cover the non-rectangular openings.

IV. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dickerson et al in view of Panttila and Peterson III.

Dickerson et al as modified by Panttila and Peterson III shows all the claimed structures. The claimed method steps of attaching a screen mesh to a window would have been the obvious method steps of attaching Dickerson et al's modified structures.

Response to Arguments

1. Applicant's arguments filed 1/30/02 to claims 4-10 have been fully considered but they are not persuasive.

With respect to applicant arguments that the additional feature "the side edges of the screen meshand the fixed frame section" distinguishes over the cited references, examiner respectfully disagreed. As pointed out in the above office action, Dickerson et al (figure 7B) teaches a screen mesh (202) being between the sash (201) and the fixed frame (2). Figure 7B thus clearly shows the additional claimed feature. The modification to Dickerson et al by Peterson and Pantilla in addition to the feature of Figure 7B Dickerson et al clearly shows all the claimed limitations. The argument is thus moot.

2. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Art Unit: 3637

Dickerson et al as modified shows all the claimed structures. Dickerson et al as modified thus is inherently able to function as claimed.

Conclusion

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phi D A whose telephone number is 703-306-9136. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 703-308-2486. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9326 for regular communications and 703-872-9327 for After Final communications.

Application/Control Number: 09/326,405

Page 6

Art Unit: 3637

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

Phi Dieu Tran A *PA*
April 15, 2002

LANNA MAI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

